

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

FRANK R. PARLATO, JR.,  
*Defendant.*

**NOTICE OF MOTION**

Case No.: 15-cr-149(RJA)

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S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavit of Herbert L. Greenman the undersigned move this Court to issue a scheduling Order relative to the sentence for Frank Parlato scheduled for April 3, 2023 as is contained in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may seem just and proper.

DATED: Buffalo, New York  
March 3, 2023

Respectfully submitted,

/s/Herbert L. Greenman

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WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
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v.

**AFFIDAVIT**

Case No.: 15-cr-149(RJA)

FRANK R. PARLATO, JR., et al  
*Defendant.*

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STATE OF NEW YORK     )  
COUNTY OF ERIE        )ss  
CITY OF BUFFALO        )

HERBERT L. GREENMAN, JR., being duly sworn, depose and say:

1) I am an attorney for the defendant Frank R. Parlato, Jr. and I am co-counsel with Paul J. Cambria, Jr. and Justin Ginter, Esq.

2) By Order of Senior United States District Judge Richard J. Arcara sentence is currently scheduled for April 3, 2023. Because of the new date for sentencing, the parties are requesting the following scheduling Order:

- a. Statement with Respect to Sentencing Factors, Objections and or motions due by 3/14/23.
- b. Responses to Objections and/or motions due by 3/21/23.
- c. Character letters and sentencing memorandum in support of defendant due by 3/14/23.
- d. Government's Response to defendant's legal memorandum due by 3/24/23.
- e. Motion to adjourn sentencing due 3/24/23.
- f. Final Presentence Investigation Report due 3/24/23.

3) Counsel has had conversations with Assistant United States Attorney Michael DiGiacomo who consents to this proposed scheduling Order.

WHEREFORE, your deponent prays that this Court issue an Order accordingly.

/s/Herbert L. Greenman

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HERBERT L. GREENMAN, ESQ.

Subscribed and sworn to before me this  
3rd day of March, 2023

/s/Elizabeth M. Jagord-Ward

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Notary Public State of New York,  
Qualified in Erie County  
My Commission Expires October 31, 2026.